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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 6 August 1999 from the Permanent Representative of China to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit herewith the Position Paper of the Chinese Government on Tibet (see annex).

I would be grateful if you could have this letter and its annex* circulated as an official document under item 2 of the agenda of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

(Signed): QIAO ZONGHUAI
Ambassador
Permanent Representative

* The annex is reproduced as received, in English and Chinese only.

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The Position Paper of the Chinese Government on Tibet

Tibet is an inalienable part of China. From the 13th century up until now, the Chinese government has always been exercising effective jurisdiction over Tibet. After the founding of the People's Republic of China, especially after the Democratic Reform and the abolition of serfdom in this region, world-shaking changes have occurred in social development and human rights situation in Tibet.

I. Historical Turning Point for Human Rights in Tibet

Prior to 1959, people living in the old Tibet ruled by the Dalai Lama were oppressed and mercilessly exploited by the backward feudal serfdom system, and human rights meant nothing to them. During the late 1950s and early 1960s, the Tibetan people, led by and with support from the Central People's Government, conducted a democratic reform of great and profound significance and completely abolished the feudal serfdom system, carving out a new era for the development of human rights in Tibet.

The old Tibet was a society practising a feudal serfdom system combining political and religious power, which was darker than the European Middle Ages. The officials, feudal lords and senior monks, who made up less than 5 percent of the population of Tibet, owned all cultivated lands, range lands, forests, mountains and most livestock. They also held power over people's lives and property. The serfs and slaves, who made up more than 95 percent of the population of Tibet, owned nothing, and without personal freedom they had to leech onto manors of the lords or be slaves for generations. Under the feudal serfdom, serfs suffered from compulsory corvee labour, taxation and usury imposed by serf owners and lived on the verge of death. Serfs were forced to flee from famine and became beggars, and countless numbers died of starvation and disease. Crowds of beggars, including the aged, women and children, were often seen in cities and towns such as Lhasa, Xigaze.

Serfs and slaves had no personal freedom or political status, while the manorial lords, who owned living bodies of serfs, were free to trade, transfer, present, mortgage or exchange serfs, who were seen as private property. The serf owners wielded the power of life and death over the serfs and the power over their marriage. *The 13-point Law* and *the 16-point*

Law, which were enforced for several hundred years in old Tibet, divided people into three classes and nine ranks. The inequality of people's social and political status was therefore affirmed and safeguarded by law. The laws stipulated that "people have three classes, and each class includes three ranks." According to the codes, serfs, who belonged to the lowest rank of the lowest class, would be arrested if they attacked those of the upper rank. The codes stipulated that "anyone who resists a master's control should be arrested, a commoner who offends an official should be arrested and anyone who voices grievances at the palace, behaving disgracefully, should be arrested and whipped." Local governments and large monasteries in old Tibet all had law courts and prisons. Feudal lords could build private prisons on their own manor ground and serf owners could beat and scold serfs at will. The lords were also free to practise extremely savage and cruel punishments, such as cutting off ears, hands and feet, throwing people into water, gouging out their eyeballs and pulling out their tendons.

The abolition of serfdom was an inevitable social development in Tibet as well as a strong desire of the Tibetan people. In order to break away from the cruel rule of feudal serfdom and to strive for human rights, Tibetans never ceased their struggles to resist, presenting petitions, fleeing, resisting rent and corvee labour and waging armed struggles. In view of the special historical and actual conditions in Tibet, the Central People's Government and the Tibetan local government signed an agreement on measures for the peaceful liberation of Tibet in 1951 when Tibet realized its peaceful liberation. The agreement, known as *the 17-Article Agreement*, recognized the necessity of reforming the social system in Tibet while presenting a cautious attitude towards reform. According to the 17-Article Agreement, the central government did not apply coercion on all matters relevant to various reforms in Tibet. The Tibet local government should voluntarily conduct reform. When people made requests for reform, they should be resolved by adopting the method of consulting with leaders of Tibet. However, some people of the upper ruling clique in Tibet were simply against the reform and attempted to permanently retain serfdom in order to safeguard their vested interests. The rulers refused to give in to public opinion, but rather conspired with anti-China forces abroad to organize a series of armed rebellions and separatist activities. They murdered central government officials stationed in Tibet and cruelly killed those Tibetan people who supported the Democratic Reform. On March 10 1959, they undisguisedly broke the 17-Article Agreement, announced the "independence of Tibet," and launched an overall armed rebellion. Under such circumstances, the Central People's Government, together with

the Tibetan people, stoutly put down the rebellion in order to maintain the unity of the country and protect the essential interests of the Tibetan people. Meanwhile, on July 17 1959, the Preparatory Committee for the Tibet Autonomous Region adopted a resolution for carrying out democratic reform. A mighty movement was thereafter launched among the masses to push democratic reform in Tibet. The reform smashed the feudal serfdom system and helped millions of serfs and slaves realize their dream of the right to be the masters of their own affairs.

– Emancipation of serfs and slaves. After quelling the armed rebellion in Tibet in 1959, the central government immediately disbanded the Tibetan local government and its armed forces, courts and prisons which had oppressed the Tibetan people for hundreds of years, and abolished the old code and the barbarous punishments it decreed. Then the government initiated a mass movement against the rebellion, the corvee system and slavery, pushed for the reduction of rent and interest, declared the emancipation of serfs and slaves, abolished the dependence of serfs and slaves on their owners and canceled the usurious debts owed to serf-owners by the labouring people. With their personal security and freedom guaranteed by the Constitution and laws of New China, serfs and slaves were no longer subjected to forced labour and inhuman treatment by serf-owners. They started to claim the fruits of their labour and no longer suffered from heavy corvee and taxation, nor were they any longer exploited by usury.

– Abolition of feudal land ownership by serf-owners. The Preparatory Committee for the Tibetan Autonomous Region on September 21 1959, passed a resolution on the abolition of feudal land ownership by serf-owners and the implementation of land ownership by peasants, deciding on the confiscation of land and all other means of production belonging to serf-owners who had taken part in the armed rebellion, and the distribution of the properties among serfs and slaves and the purchase of land and other means of production from serf-owners with State funds, allocating the properties among the former serfs and slaves. Becoming owners of land and other means of production, the former serfs and slaves showed unprecedented enthusiasm for labour, which dramatically promoted social and economic development in Tibet and improved the living conditions for the Tibetan people and conditions for their advance. Statistics indicated that by 1960, when land reform was by and large completed, Tibet's grain output went up by 12.6 percent from 1959, or 17.5 percent from 1958 before the land reform began.

– Abrogation of the political system combining religion and politics. Under the political system combining religion and politics in old Tibet, the Dalai Lama, one of the leaders of the Gelug Sect of Tibetan Buddhism, was also the head of the local government with both political and religious power. There were both monks and lay officials in the administrative organs of the old Tibet, with the former ranking higher than the latter. Monasteries enjoyed a series of privileges in all aspects of political, economic and social life. The Democratic Reform completely abrogated the political system combining religious and political rule, achieving the complete separation of politics and religion. It was decreed that the freedom of religious belief, people's freedom to become lamas and nuns and their freedom to resume secular life and monasteries inhabited by patriotic and law-abiding lamas were all protected during the Democratic Reform. However, the reform abrogated all the feudal economic and political privileges enjoyed by monasteries, including feudal ownership, exploitation and slavery and the feudal administration and hierarchy within the monasteries. The funds of the monasteries and their properties were used as a production fund and allocated to lamas and nuns to pay for their living and normal religious activities. Also, the government was to subsidize the monasteries if their incomes could not cover their proper expenses. Separation of politics and religion not only effectively guaranteed the Tibetan people's freedom of religious belief, but also laid the foundation for a democratic political system.

– Gradual implementation of regional autonomy by ethnic minorities. The Democratic Reform made the former serfs and slaves the masters of Tibet, and the Tibetan people masters of the nation along with people of all other nationalities in China, able to enjoy all the political rights entrusted by the Constitution and laws of the country. With a general election carried out in Tibet in 1961, the former serfs and slaves for the first time gained the right to be the masters of their own destiny. They eagerly took part in the election, exercising their democratic rights with great political enthusiasm and a high sense of responsibility. Many emancipated serfs and slaves became leading officials at all levels of the autonomous region. The establishment of the Tibetan Autonomous Region and the implementation of regional autonomy by ethnic minorities systematically guaranteed the political rights of the Tibetan people to participate equally in State affairs, and the autonomy of the Tibetan people to manage local affairs and those of their own ethnic groups.

Through the Democratic Reform, in just a few years, New China eliminated the feudal serfdom that had lasted for nearly a millennium in Tibet by emancipating the millions of serfs and slaves in all aspects of political, economic and social life. This was an epoch-making change in the history of Tibet's social progress and the development of human rights, and a major contribution to the cause of human rights in both China and the world.

II. Guaranteeing Civil and Political Rights

People of the Tibet Autonomous Region enjoy all rights of citizens and political rights as stated in the Constitution and are entitled to all special rights of regional autonomy of ethnic minorities.

Those aged 18 have the right to vote and the right to be elected, regardless of their ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence. They can vote for people's deputies in townships, towns, districts and counties who in turn elect deputies to the national, autonomous regional and municipal people's congresses. People get involved in managing State and local affairs through the people's congresses. Since the founding of the autonomous region in 1965, Tibetan and other ethnic minority deputies have accounted for some 80 percent of the total number of deputies to the people's congresses in the Tibet Autonomous Region. In the present ninth National People's Congress, 19 deputies come from the Tibet Autonomous Region, 80 percent of whom are of Tibetan nationality and other ethnic minorities. Out of the autonomous region's 450 people's deputies, 82.44 percent are Tibetans and from other ethnic minorities.

Tibetan women enjoy equal rights as men in participating in government and political affairs. Before the Democratic Reform in Tibet, women in Tibet were at the bottom of the social ladder and had no political status at all. After the Democratic Reform, Tibetan women began enjoying status and rights as equals to Tibetan men in accordance with the Constitution and law. Statistics indicated that since the first general election in the Tibet Autonomous Region, the participation rate for women in the elections of deputies to the autonomous regional People's Congresses has all along surpassed 90 percent. At present, the proportion of female deputies at various levels of the autonomous region's people's congresses is above 15 percent. At the end of 1998, the region had 22,525 female cadres, making up 32.8 percent of the total.

According to the Constitution and the Law on Regional Autonomy of Ethnic Minorities, Tibet, where Tibetans live in compact communities, adopt regional autonomy and the people there enjoy the rights of regional autonomy. The law also stipulates that the chairman or vice-chairmen of the autonomous regional people's congress standing committee must be of Tibetan nationality, as well as the chairman of the autonomous regional government and key posts of governments at various levels. Local governments at various levels should recruit as many Tibetans and people of other ethnic groups as possible. Since 1965, the chairmen of the autonomous regional people's congresses and of the governments have all been Tibetans, so are chief leaders in the autonomous regional people's congresses, government institutions and people's procuratorates. In 1998, the autonomous region had 49,851 cadres of Tibetan nationality and of other ethnic minorities, which accounted for 74.1 percent of the total. And of the chairman and vice-chairmen of the autonomous regional people's congress standing committee, 71.4 percent were of Tibetan nationality. Some 80 percent of the autonomous regional people's congress standing committee members and 69.36 percent of the region's technical cadres are of Tibetan and other ethnic minorities backgrounds.

At the provincial level, the Tibet Autonomous Region not only enjoys the right to formulate local regulations, but is entitled to make decisions on local affairs and promulgate rules governing the exercise of autonomy and specific issues, in accordance with local political, economic and cultural characteristics. The Tibet Autonomous Region is entitled to apply for accommodations in implementing or an end to implementing resolutions, decisions, orders or decrees issued by the higher authorities if they are considered unsuitable to the actual conditions in Tibet. Since the founding of the Tibet Autonomous Region in 1965, the autonomous regional people's congresses and their standing committee have formulated and promulgated more than 150 local regulations and authentic resolutions and decisions on such matters as building of political power, economic development, culture, education, spoken and written language, the judiciary, cultural relics protection and protection of wildlife and natural resources. These include *the Rules of Procedures of the People's Congress of the Tibet Autonomous Region*, *the Resolutions on Study, Use and Development of the Tibetan Language of the Tibet Autonomous Region*, *the Regulations on the Supervision and Inspection of Strengthening Implementation of Laws and Regulations in the Tibet Autonomous Region*, *the Regulations on Protection and Management of the Tibet Autonomous Region's Cultural Relics* and *the Regulations on Protecting the Environment in the Tibet Autonomous Region*. The formulation and

implementation of these local regulations, specific rules and accommodated stipulations fully demonstrate that the Tibetan people enjoy the right to autonomy in managing the affairs of the region and their nationality in accordance with law, and effectively ensure that the Tibetans have access to special rights in their political, economic and cultural life.

The religious freedom of the Tibetan people is respected and protected. The abolition, by means of the Democratic Reform, of the political system which combined religion with politics provides institutional guarantees for the Tibetan people to observe religious freedom and conduct ordinary religious activities. Since China adopted the reform and opening-up policy in 1978, the State has allocated more than 300 million yuan (US$36.14 million)and large quantities of materials such as gold and silver for the repair and maintenance of Tibet's lamaseries. For the renovation of the Potala Palace alone, the central government allotted more than 55 million yuan (US$9.63 million) during a five-year period, the largest and most expensive renovation project for the palace in hundreds of years. The central government also provided 6.7 million yuan (US$0.81 million) in special funds, 111 kilograms of gold, 2,000 kilograms of silver and large quantities of jewels for the renovation of the holy stupas and the memorial halls for the 5th to the 9th Panchen Lamas, and 66.2 million yuan (US$7.98 million) as well as 650 kilograms of gold, for the renovation of the 10th Panchen Lama's holy stupas and memorial hall. The central and the autonomous regional governments also funded the renovation and repair of such renowned Buddhist temples, lamaseries and monasteries as the Jokhang, Zhaxi Lhunbo, Zhebung, Sera and Gandain, which satisfy the needs of religious believers in their conduct of religious activities. More than 1 million worshipers make the pilgrimage to Lhasa each year, and in famous monasteries such as the Jokhang, crowds of believers can be seen praying, turning their prayer wheels and bowing to Buddhist statues. Family halls for Buddhist sutra and niches for a statue of Buddha are set up in the houses of nearly every believers.

The Tibetan nationality's freedom to use and develop their own language has been effectively protected, and Tibetan is the common language of the entire autonomous region. In July 1987, the autonomous regional people's congress adopted *the Regulation on Study, Use and Development of the Tibetan Language in the Tibet Autonomous Region* for trial implementation, which clearly stipulates that both the Tibetan and Chinese languages should be used in the Tibet Autonomous Region, with priority given to Tibetan. Today, all resolutions, regulations, rules and decrees adopted by the People's Congress of the Tibet Autonomous Region

and all formal documents and notices issued by the autonomous regional government are promulgated in both Tibetan and Chinese. The people's courts and procuratorates at various levels of the autonomous region also protect the citizens' right to use their own language in lawsuits. Lawyers and prosecutors are required to use Tibetan when conducting lawsuits involving people of Tibetan nationality. Newspapers and radio and television stations also use both languages, and most of the books edited and published in the autonomous region are in Tibetan. Speakers of different languages are treated equally in the recruitment of workers, cadres and students, with priority always given to Tibetan speakers. In schools in Lhasa as well as in prefectures and counties, teaching is done in both languages and below the county-level, the Tibetan language is the teaching language and the main course of all schools at every level.

III. Improvement of Economic, Social and Cultural Rights

Since the implementation of the Democratic Reform 40 years ago, the Tibetan people, with the support of the central government and people all over China, have been making every effort to develop their economic, social and cultural lives. Tibet has witnessed fundamental changes in its overall social outlook while the enjoyment of economic, social and cultural rights by the Tibetan people has been substantially improved.

The central government has always instituted preferential policies to encourage Tibet's social and economic development. It has allocated large sums of capital and provided support in technology and professionals. Between the 1950s and 1997, the central government allocated more than 40 billion yuan (US$4.8 billion) to Tibet while sending large amounts of goods and materials to the region. In the past few years, the central government has allocated over 1.2 billion yuan (US$144 million) in financial subsidies to Tibet each year. At the same time, groups of cadres and technicians have been sent to work in Tibet, and 15 provinces and municipalities have launched regular Tibet aid projects, all greatly advancing Tibet's social and economic development. Statistics indicate that the gross domestic product of Tibet reached 9.118 billion yuan (US$1.09 billion) last year, a 47.1-fold increase over 1959. Investment in infrastructure projects came to 3.66 billion yuan (US$440 million) in 1998, 468 times greater than the figure for 1958, before the Democratic Reform was launched. Last year, regional local revenue reached 364 million yuan (US$43 million), 96 times more than that in 1958.

Before the Democratic Reform, there was no modern industry in Tibet,

it now has more than 300 factories engaging in dozens of modern industries such as power generating, mining, cement, leather processing, textiles, food processing and building materials. It has begun to be modernized while retaining Tibetan characteristics. Industrial output value in Tibet last year reached 1.365 billion yuan (US$164 million), up 31 times over 1959. Prior to its peaceful liberation, Tibet was a land of backward communications and now has a highway network, with the regional capital of Lhasa as its centre, with modern roads to Qinghai, Sichuan and Yunnan provinces and the Xinjiang Uygur Autonomous Region. There is also a highway to neighbouring Nepal. Tibet presently has Bomda, Damshune and Gongkar airports with flight routes from Lhasa to Beijing, Chengdu, Xi'an, Xining, Chongqing and other Chinese cities. There are also international flights between Lhasa and Kathmandu in Nepal.

Before the launching of the Democratic Reform, more than 90 percent of Tibetans had no houses of their own, and many serfs were forced to borrow and beg for a living. Life for the Tibetan people has been greatly improved now. In 1998, the per capita disposable income of urban residents in Tibet reached 5,438 yuan (US$654), higher than the country's average for the first time. The per capita net income of farmers and herdsmen reached 1,158 yuan (US$139) and the savings deposits of urban residents came to 3.345 billion yuan (US$403 million) in 1998. The issue of food and clothing of the majority of farmers and herdsmen has been resolved.

Before the peaceful liberation of Tibet, there were no modern hospitals in the region, epidemic diseases such as smallpox, cholera were prevalent. After peaceful liberation, and especially after the Democratic Reform, the central government took steps to prevent these and other diseases which seriously threatened the health of the people, and they were soon essentially under control. Since the 1960s, Tibet has wiped out smallpox and the incidence of several other epidemic and many local diseases has declined sharply. At present, hospitals and epidemic prevention clinics have been set up in every county of the Tibet Autonomous Region, and hospitals of traditional Tibetan Medicine and maternal and child care hospitals (clinics) have been built in some counties. More than 70 percent of the townships and 30 percent of the administrative villages in the region have established their hospitals and clinics. According to statistics, Tibet boasted over 1,300 medical establishments in 1998, 20 times as many as in 1959, and the number of hospital beds increased 17-fold to more than 6,700. There are now 2.3 beds and 3.57 doctors for every 1,000 Tibetan citizens, all above the national averages.

The improvement of medical and hygiene conditions in Tibet has effectively protected the Tibetan people's right to sufficient health care. At the same time, the Tibetan population has increased rapidly, by 1,233,600, or up nearly 200 percent, from 1959 to 1998, the highest growth rate in Tibet in this century. Last year, the birth rate of the region was 18.4 per 1,000, and the natural population growth rate was 10.9 per 1,000, much higher than the national average.

The old Tibet had no schools in the modern sense, and only some 2,000 monks and children of the nobility studied in old government and private schools. The enrolment rate among school-age children was less than 2 percent and the illiteracy rate was as high as 97 percent. The Tibetan people were deprived of the right to education. After the Democratic Reform in 1959, a modern multi-layer educational system, including preschools, primary and middle schools, as well as higher education, adult and secondary vocational and technical school education, was gradually established in Tibet. According to statistics, Tibet had 4,365 schools with an enrolment of more than 400,000 students by the end of 1998. The enrolment rate of primary school age children reached 81.3 percent, up nearly 80 percent over that of the old Tibet, and the illiteracy rate dropped by 47 percent. Education is free from primary school through university in Tibet, and primary schools in remote areas provide students with free clothing, room and board. These measures have effectively protected the Tibetan's right to education.

The social status of women has been greatly improved. The Tibetan women who emancipated themselves in the Democratic Reform have taken an active part in economic, social and cultural construction and have gradually realized their equality with men in social life. Statistics indicate that women account for 48.5 percent of those who have jobs in Tibet, and in rural and pastoral areas, women make up over 60 percent of the workforce. In urban areas, over two-thirds of the women above the age of 16 are employed. Enterprises and institutions in the Tibet Autonomous Region employ more than 15,000 women, or 39 percent of the total employees, and among professional personnel, 12,900 or 40.12 percent of the total are women. At the same time, educational conditions for Tibetan women have improved and the enrolment rate for girls has been increased from 45.43 percent in 1993 to 71.3 percent at present. The autonomous region has 1,206 women university students, 37.69 percent of the total number of college students.

The tremendous historical change in Tibet since the launching of

Democratic Reform in 1959 indicates that the abolition of the feudal serfdom system and the implementation of regional autonomy for ethnic groups are the basic reasons for the social development and earth-shaking improvements in human rights. Restricted by natural, historical and economic conditions, many aspects of human rights conditions in Tibet have yet to be improved. However, these will be constantly perfected, along with social and economic development, as long as Tibet adheres to the road of socialism with Chinese characteristics and the implementation of regional autonomy for ethnic groups.